

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

ANTHONY HAMILTON,

Plaintiff,

vs.

**LEA COUNTY, LEA COUNTY
CORRECTIONAL FACILITY, WACKENHUT
CORRECTIONS CORPORATION, WARDEN
ERASMO BRAVO, OFFICER PACHECO, LT.
GUERRA, JOHN DOE I, JOHN DOE II, and
JOHN DOE III, individually,**

Defendants.

THE PARTIES' MUTUALLY APPROVED INITIAL PROPOSED FINDINGS OF FACT

AND CONCLUSIONS OF LAW

COMES NOW, Plaintiff, by and through his counsel of record, Toulouse & Associates, P.A., and Defendants, by and through their counsel of record, Gary Don Reagan, P.A., and hereby submit their Mutually Approved Initial Proposed Findings of Fact and Conclusions of Law and respectfully request the Court to adopt such Findings of Fact and Conclusions of Law.

MUTUALLY APPROVED INITIAL PROPOSED FINDINGS OF FACT

1. The Lea County Correctional Facility is located in Hobbs, Lea County, New Mexico.
2. The Lea County Correctional Facility is operated as a prison by Wackenhut Corrections Corporation under contract to Board of County Commissions of Lea County, New Mexico.
3. In April of 1999, Anthony Hamilton was incarcerated in the Lea County Correctional

Facility.


4. In April of 1999, Erasmo Bravo, Andres Pacheco, and Manuel Guerra were employees of Wackenhut Corrections Corporation.
5. On or about April 6, 1999, there occurred a disturbance at the Lea County Correctional Facility in which several inmates revolted and otherwise took temporary control of parts of the Lea County Correctional Facility.
6. Officials at the Lea County Correctional Facility put an end to the disturbance, placed the Facility on lock-down, and called in members of the Willacy (Texas) and Taft (California) Correctional Emergency Response Teams, a term this is sometimes abbreviated as CERT.
7. Andres Pacheco and Manuel Guerra, who before April 1999 customarily worked for Wackenhut Corrections Corporation at a correctional facility in south Texas, were members of the Willacy Correctional Emergency Response Team.
8. When a correctional facility is placed on "lock-down," the movement and the activities of its inmates are subject to greater restriction.

MUTUALLY APPROVED INITIAL PROPOSED CONCLUSIONS OF LAW

The parties have not agreed to any proposed conclusion of law.

Respectfully submitted,

TOULOUSE & ASSOCIATES, P.A.



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Telephonically approved 10/4/99

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I hereby certify that a true and accurate
copy of the foregoing pleading was
mailed this 4th day of October, 2001
to opposing counsel of record,
Mark T. Sanchez, via first class mail,
to the following address: Gary Don Reagan, P.A.,
P.O. Box 770, Hobbs, New Mexico 88241-0770.

By


Holly R. Harvey